



# The Saunders Slate

Congress Heights Station • PO Box 6953 • Washington, DC 20032

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July 12, 2013

Ms. Cheryl Gillette, Chair  
WTU Elections Committee  
wtuelectionscommittee@gmail.com  
BY ELECTRONIC DELIVERY

RE: Nathan A. Saunders - Appeal of the WTU 2013 Runoff elections

Dear Ms. Gillette:

The Saunders Slate, who participated in the runoff election of July 1, 2013, are hereby filing the following challenges, objects, and appeals to the WTU 2013 Runoff Elections. This request is an effort to exhaust all internal union remedies as required by law. Free, democratic trade unionism must be clean, honest trade unionism.

I respectfully request that the WTU Elections Committee set aside the invalid 2013 Election of Officers and conduct a new Election of Officers. Standards associated with the use of a secret ballot, reasonable opportunity to nominate candidates and to vote, the mailed notice of election, and other safeguards to ensure a fair election were violated and/or not observed. Under the AFL-CIO, American Federation of Teachers (AFT), and Washington Teachers' Union (WTU) doctrines of fair play, the requirements of due process must be observed most notably a notice, hearing, and judgment on the basis of evidence. A method of appeal to a higher body should be provided to ensure that judgment at



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the local level is not the result of prejudice or bias. Additionally, The Saunders Slate must have the opportunity to call witnesses, submit any supporting documents, file testimony, produce affidavits and expert witnesses, and submit any other relevant proof of its claims.

be sure to number the pages

The following election violations occurred in respect to the 2013 WTU Runoff Election of Officers: (1) external employer and management influences were present and took action to support the davis slate spoiling the union members' independent right to select a candidate without fear of retribution, or interference by dcps (2) serious defects in the balloting process, and (3) a material violation of the WTU constitution. Such elections violations are described in further detail as follows.

## **1. External Influences:**

- a. Outside agents of management, private enterprise, and other interlopers are expressly prohibited by the Labor Management Reporting and Disclosure Act (LMRDA) and DC Law from participating in union election activities. They spoil the collective bargaining efforts and otherwise inhibit the union's ability to function as a bona fide representative of the members. the following violations occurred with regard to external influences.



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i. Retirees - Here, numerous retirees, all with an axe to grind against Nathan A. Saunders, funded, supported and otherwise participated on behalf of the Davis Slate. None are active WTU members, active DCPS Teachers, or DCPS teachers with reinstatement rights. These interlopers have no legitimate constitutional authority to intrude or to be involved in official WTU elections matters. Furthermore their participation undermined the free, democratic WTU Officer Election union and the underlying interests of the WTU and AFT Constitutions. Specifically these individuals include but are not limited to:

1. Erich Martel, who is a former WTU member, DCPS retiree, non-eligible voter. Attached is an example;
2. Mary Ann Collins, who is a former WTU member, terminated WTU staffer, DCPS retiree, non-eligible voter who has sued WTU a number of times and is in fact presently in ongoing litigation attempting to recover on a claim that has no merit (*Mary Collins v. Washington Teachers' Union*); and
3. Benita Nickelson, who is a former WTU member, former WTU Barbara Bullock board member, DCPS retiree, non-eligible voter who was sued by Nathan A. Saunders for her involvement in the \$5 million Barbara Bullock scheme union dues theft. (*Saunders v. Hankerson*).



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ii. Business Interests - Johnnie Landon, a disbarred attorney, a former WTU consultant, non dcps, and non member of wtut used WTU's confidential information including but not limited to confidential membership list to call voters and influence voters to support Candidate Liz Davis. Mr. Landon has been invoicing and attempting to collect payment from WTU over the 2.5 years for questionable legal services purportedly rendered to former President George Parker. Nathan Saunders terminated his services as he did not possess a DC Law license and had been disbarred in other states. There is an ongoing business dispute between WTU and Mr. Landon as he has refused to return pertinent case documents regarding cases apparently assigned to him by George Parker apparently assigned to the WTU or WTU members.

iii. Terminated Teachers. Thomas O'Rourke, a Roosevelt SHS teacher terminated for cause which was substantiated at hearing, is a non eligible voter, non DCPS employee and not eligible to participate. He arrived to pickup the ballots with the Davis Slate. Jane Kriesman, another terminated teacher, non eligible voter and not eligible to participate. wrote articles in the examiner newspaper falsely criticizing the Saunders Slate and wrote internet articles directly supporting the Davis slate.

b. The District of Columbia Public Schools, the employer of WTU members, directly or indirectly contributed support for the Davis



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Slate. Employers may not contribute funds, directly or indirectly, or support the candidacy of any person for union office under any conditions. This prohibition includes any costs incurred by a union or an employer and anything of value contributed by a union or employer.

i. Some DCPS principals wrongfully got involved in the WTU runoff election process. For example:

1. The principals at Martin Luther King Elementary School and John Burroughs Elementary School used the DCPS employee files and DCPS email list and other private Google/Yahoo accounts to arrange meetings on behalf of the Davis Slate (see attachments). These lists included hundreds of WTU voters. In addition these same principals made announcements over the schools PA system gave the time date and location of Davis Slate rallies.
2. The principal at J.C. Nalle Elementary School specifically discouraged (in writing) teachers from meeting at a Pro Saunders event during their lunch hours (see attachment).

ii. Employer email system (dc.gov) was used for the Davis Campaign via Candidate Candi Peterson. The dc.gov system is a valuable communication vehicle and those who use it have access to all 4000 members. Peterson is a frequent violator and



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has previously been warned and disciplined via fines when her violations amounted to negative messages about management. At least occasion during the runoff campaign, Peterson sent union political information to voters using the [dc.gov](https://dc.gov) system. Her abuse has been condoned via the union election thereby suggesting management support for her candidacy and giving her an unfair advantage. Peterson is a member of the Davis Slate. Statistically, she lost the primary election to the Saunders Slate. After she used the [dc.gov](https://dc.gov) system, she singlehandedly showed the greatest gain and top her opponent by 100 votes!

## **2. Defective Balloting - Counting of Eligible Votes:**

- a. No challenged ballots were counted. Many ballots should have been classified as challenged ballots but were not; some ballots should never have been issued.
  - i. Therefore, voting occurred by individuals who are not eligible to vote. Certain individuals were not in good standing with the union or the employer at the point of vote counting on July 1, 2013. Most had ended their employment on June 21, 2013 or the last day of school or retired effective June 30, 2013.
  - ii. WTU Constitution & Bylaws requires a full dues paying member to be a DCPS employee and in good standing with the employer. The AFT constitution which is part of WTU requirements specifically separate the activities of retiree



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chapters and active teacher chapters. Here, numerous classes of individuals received ballots, but were no longer WTU members, employed with DCPS, or in good standing with the employer or any combination thereof. The number of ballots in this category that should not have been cast are great enough to change the outcome of the WTU runoff election.

- b. The following categories of teachers' ballots should have been challenged, set aside, and not counted- but were instead erroneously included in this election as eligible voters. The information was not yet available to the WTU until after the tally of ballots on July 1.
  - i. Approximately 54 teachers who were terminated as a result of being twice minimally effective or first time ineffective. These ballots should have been challenged, set aside and not counted. (See attachment).
  - ii. Approximately 80 teachers were terminated as a result of ending their Option 3 year effective the last day of school on June 21, 2013. These ballots should have been challenged, set aside and not counted.
  - iii. Approximately 9 teachers were terminated/retired as a result of selecting Option 2 in 2011-2012 school year but receiving an extra year of placement before leaving the system effective the last day of school on June 21, 2013. These ballots should have been challenged, set aside and not counted.



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- iv. Approximately 350 voters were retired effective June 30, 2013 or earlier but cast a ballot anyway because their names were never removed from the list of eligible voters. These ballots should have been challenged, set aside and not counted.
- c. The following categories of teachers' ballots should have been counted but instead were erroneously challenged, set aside, and not counted as eligible votes.
  - i. Approximately 15 ballots were observed personally by Nathan A. Saunders during the ballot count on July 1, 2013 as “challenged” and were therefore not counted in the final tally.
    - 1. Included in these 15 ballots were two in particular “TBS” and “SD” who paid union dues via certified checks in an effort to have their votes counted for the election but their votes were not counted.
    - 2. If it happened to two known individuals, the Saunders slate concludes that it in fact happened to others who remain unknown and uncounted at this time.
    - 3. There must be an investigation. Challenged ballots were not counted. At least some of these ballots should have been counted as valid.

### **3. Constitutional Violations and Legal Authority:**





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- a. The incumbent has a right to a 3 year term as prescribed by a variety of legal sources and authorities including but not limited to:
  - i. Under the *WTU Constitution & Bylaws Article VII, Section 2(J)* it is specifically stated, “officers of the union shall serve three years.” Nathan A. Saunders term of office began on December 2010 and the election timeline schedules the installation of new officer August 1, 2013. That is less than the three year term Nathan A. Saunders has a right to under the constitution and bylaws;
  - ii. The National Labor Relations Act (NLRA); and
  - iii. District Law pertaining to collective bargaining.

**THEREFORE,** The Saunders Slate respectfully request the WTU Elections Committee to complete the necessary investigative work including but not limited to holding a hearing and ruling on the issues included herein. While the investigation is ongoing the status quo must be maintained within WTU. The Saunders Slate further requests the 2013 WTU Runoff Election results to be set aside and a new election scheduled per the Elections Committee's official order and mandate. In addition, The Saunders Slate request the elections committee recommend WTU secure sanctions against the reported interlopers described above. Appellant seeks actions against them including but not limited to a judgment to repay WTU the cost of the election they spoiled and the campaign costs of parties affected.



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Thank you in advance to your immediate attention to this urgent matter.

Respectfully Yours,

Nathan A. Saunders

The Saunders Slate

cc: Randi Weingarten

Loretta Johnson

Al Squire